

Christine Joyce

From: Roland Bartl
Sent: Thursday, October 10, 2013 12:57 PM
To: 'Richard Nylan'; Scott Mutch
Cc: Leo Bertolami; Manager Department; Board of Selectmen; Planning Department
Subject: RE: BERTOLAMI, WETHERBEE PLAZA, 107 GREAT ROAD; MUSEUM USE
Attachments: Bertolami-Ltt Bartl & Mutch 10-10-13.pdf

Hi, Chip:

This is all very interesting about the various cars you describe.

I meant to stay out of this as I had thought we had long ago agreed sitting around a table in the Planning Department that this proposed use - displaying rare and collector vehicles of any kind anywhere in the East Village District - can only be done as part of a not-for profit educational institution in a museum-type fashion as provided in section 3.4.2 of the zoning bylaw, which defines an educational use protected under the State's "Dover Amendment". Definition 3.4.2 purposely and deliberately includes auxiliary installations, facilities and services that are commonly and customarily part of "Dover Amendment" educational uses, and which in some cases may be the primary educational use, such as a museum. We agreed that museums regularly buy and sell art, artifacts, collections and other items of all kind, including - sometimes - automobiles. We assume, but are not experts on this, that a not for profit educational entity, like any business, must have a dealer license in order to trade automobiles in Massachusetts.

We do not agree that there is any alternative provided in the Acton zoning bylaw as you suggest near the end of your letter. I understand what you are reaching for. Definition 3.4.11 - Commercial Education or Instruction, provides for commercial instruction or training by entities not covered under the "Dover Amendment". This definition is much narrower and does not provided for auxiliary installations, and does not provide for museums.

In short, as discussed at our office table, several months ago, the display of vehicles in the EAV zoning district must be part of a legitimate nonprofit educational entity as provided in the zoning bylaw, section 3.4.2. Otherwise we must deem it a car dealership as in section 3.5.22 in violation of the zoning bylaw. It follows that any application for an automobile dealer license for or related to this location must be made by a legitimate not-for profit educational entity registered with and recognized as such by the Secretary of State. Anything else is really a big waste of time. I believe Scott - maybe not in these same words - made that clear at the last Board of Selectmen hearing in this matter.

Therefore, by copy of this to the Board of Selectmen, I recommend that the Board of Selectmen deny the dealer license application by the current entity, Northeast Collection, Inc., and wait until a new application comes before them that is legal for this location under the Acton zoning bylaw as described above.

Regards -

Roland Bartl, AICP
 Planning Director
 Town of Acton
 472 Main Street
 Acton, MA 01720
 978-929-6631

From: Richard Nylén [<mailto:rnylen@ldnllp.com>]

Sent: Thursday, October 10, 2013 11:30 AM

To: Roland Bartl; Scott Mutch

Cc: Leo Bertolami; Manager Department; Board of Selectmen

Subject: BERTOLAMI, WETHERBEE PLAZA, 107 GREAT ROAD; MUSEUM USE

LYNCH, DESIMONE & NYLEN, LLP

ATTORNEYS AT LAW

10 POST OFFICE SQUARE, SUITE 970N

BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500

Facsimile: (617) 348-4545

Email: RNylen@ldnllp.com

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

October 10, 2013

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

Via Email & 1st Class Mail

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720

Mr. Scott Mutch
Building Enforcement Director
Town of Acton
472 Main Street
Acton, MA 01720

Re: Bertolami, Wetherbee Plaza; 107 Great Road; Museum Use

Dear Mr. Bartl and Mr. Mutch:

Northeast Collection, Inc., and its President, Leo Bertolami, would like to follow up on the discussion last week with the Board of Selectmen regarding the request for an internet license at 107 Great Road (the "Property") and your letter dated September 11, 2013. At the meeting, the Board requested additional information regarding the number and type of classic automobiles to be displayed at the Property and measures to avoid this Property being a classic car sales showroom.

1. Northeast Collection, Inc., 107 Great Road, Suites 1 and 2 will display approximately fifteen (15) original classic and specialty imported high line vehicles. The room will highlight antiques, gas pumps, signs and a separate license plate collection with plates starting in 1903, the year the Registry of Motor Vehicles was formed. The collection includes specialty plates through current date, many of which belonged to celebrities and athletes. For example, Leo has Massachusetts License plate: Boston Bruins #4 signed by Bobby Orr and plates #1 Patriots, Bruins, Cancer, State Police, Governor, Senate, and his favorite, the Kennedy Senate plates.
2. Each vehicle displayed in the auto showrooms will have a stanchion which will fit under a tire of the vehicle and will include a 12x17 placard w/a history of the vehicle.
3. The manufacturer, year of the model, specialty of the vehicle and why it has been placed in the collection will be explained at the display in writing.
4. Northeast Collection is willing to restrict the number of automobiles it can sell each year using the internet license.
5. There will be no purchase prices on any automobiles.

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INVENTORY

1. A 2008 1,225 mile Ferrari Spyder, with every factory option, absolutely brand new, not another one on the east coast – exotic specialty vehicle.
2. 1955 Porsche Spider, silver, a custom built recreation car by Beck, a private west coast auto builder similar to George Barras who designed the Monkee Mobile, the Beverly Hillbillies Roadster and most of all the early television specialty vehicles. The 1955 Porsche was created in memory of the death of James Dean and Leo believes remains the only on the east coast and only one of two in the world.
3. A brand new 2002 Ford Thunderbird, first one invoiced to Acton Ford with 100 miles on the odometer with the window sticker still on and the plastic still on the seats.
4. 2004 Dodge Viper Powertrain Pickup, 100 miles, window sticker in place, plastic still on seats. First one received in September 2003 when Daimler Chrysler had decided to put a truck body on their sports car.
5. Two 1992 (GEM) cars, both are registered. They were built when the Mercedes/Chrysler merger took place. At that time, Chrysler with its newly reintroduced hemi engine from the past in Mercedes Benz, trying to derive more horsepower and more horsepower, almost recreating 700 horsepower to be able to be ordered to be the local dealer. The GEM cars are double battery operated similar to hybrid plug ins of today but the GEM cars CAFA lowered the gas mileage for Daimler Chrysler. These registered approved vehicles all went away after 2002 after government realized they had given one of these to every dealer and they really were not doing their job as promised. Only a dozen or so exist today on private country clubs, couple of larger airports and I have #10 and #11.
6. A 1945 Ford Tractor completely restored w/the original Bill of Sale purchased 35 years ago from Teto Florios Farm. A nursing home replaced the farm across the street from the Emerson Hospital formally Xavier High School and Sentry Insurance Co.
7. 1925 Ford Fordson Tractor Iron Wheel Tractor completely restored, dismantled bolt-by-bolt, w/a 5 year restoration project. Purchased from a farm in New York, completely original restoration and the original mahogany steering wheel has the shine and gloss of an estate piece of furniture.
8. 1994 Ford Mustang Indianapolis 500 Motor Speedway Pace Car delivered to Acton Ford, summer of 1994, with brand new decal kit. This is an original, one owner car, delivered to me after the race. Conversational, educational and instructional show piece.
9. 1970 Mustang Mach I, a true southern belle. One owner, American muscle car classic. 39,000 miles matching numbers on original bill of sale. One of 21 built this way. Cobra package as factory option, scoop hood with only a handful of survivors remaining.

October 10, 2013

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10. 1967 Ford Mustang Convertible. Original owner. Car owned by the Saltonstall family, one of the Massachusetts Governors. It is one of one and still has a pair of low Mass Digit plates that belonged to the Saltonstall family.
11. 1997 Land Rover Defender. Ninety in the production line. Original, one owner. Chicago parade car. The car is made to climb any mountain, rock road and a straight angle. Immaculate unrestored, perfect condition.
12. 2008 Lamborghini Gallardo. 700 miles, completely loaded with a long interesting history.
13. 2008 Mercedes Benz McLaren. Over 700 factory horse power sold to Yankee Candle from Flagship Motor Cars for \$525k brand new. Gull wing doors. Truly educational and instructional, and a one-of-a-kind with no mileage. Yankee Candle was just sold for \$1.4 billion. Some of the Yankee Candle Museum vehicles are sold.
14. 1957 Bentley. Right hand drive saloon limo. Former wedding car from the International Hotel Group. Unrestored, but great original condition. Can be viewed, discussed, explained, either restored or unrestored.

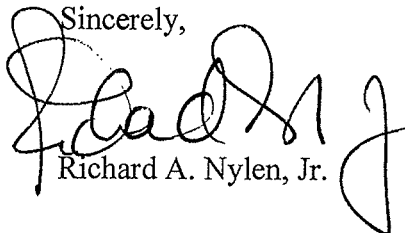
Northeast agrees that there are two uses authorized by the Zoning Bylaw. While it is considering the non-profit educational designation, the private for profit use for instruction and training also appears applicable. Conventional instruction in martial arts, yoga and physical fitness involves teaching and instructing individuals to elevate their understanding of the sport or activity. In this case, Northeast will instruct its customers how to select, purchase, maintain and retain classic cars. There is no limit to the number of trainees or instructors in the Bylaw.

Leo has contacted individuals to speak at the facility and will instruct and train individuals in classic car maintenance and collections.

We look forward to speaking to you about this use.

Please contact me if you have any questions.

Thank you.

Sincerely,

Richard A. Nylen, Jr.

RAN/kad

cc: Wetherbee Plaza, LLC
Acton Board of Selectmen
Steven Ledoux, Town Manager



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
www.acton-ma.gov
planning@acton-ma.gov
www.acton-ma.gov

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** September 3, 2013
From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner
Subject: Class II Car Dealer Licenses at 107 Great Road, Suites 1, 2 & 3, Acton, MA

The applicant, Mr. Leo Bertolami, and his legal counsel, Mr. Richard A. Nylen, Jr. of Lynch, DeSimone & Nylen, LLP. have presented a proposed change of use for the commercial building located at 107 Great Road. As it has currently been presented at this time, it is our understanding that the new proposed use of the property would be an "automobile museum". With regards to Zoning and the Zoning Bylaw, the proposed "automobile museum" use, would be classified and governed under Section 3.4.1, which states the following:

3.4.1 Educational – USE of land, BUILDINGS and STRUCTURES for providing instruction or education in a general range of subjects, on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational entity. Such USE may include museums, libraries, auditoria, athletic facilities, dormitories, administrative offices, or similar facilities and activities whose purpose is substantially related to the educational purposes of the owner.

Attached, please find a copy of a letter from Mr. Richard Nylen, which further explains and details Mr. Bertolami's proposed use of the property as well as the need/rationale for an internet car dealer license. In general terms, it is our understanding that Mr. Bertolami requires the internet dealer licenses so that he may obtain and move vehicles for display purposes within this new "automobile museum".

As of the date of this memo, the Applicant has not yet provided documentation which clearly provides verification that Mr. Bertolami has created the necessary 501(C), nonprofit educational entity.

While, the Planning Department does not object to the issuance of an internet non-display car dealer license, there should not be any display of any vehicles until such a time that it can be satisfactorily verified to the Planning Department that the necessary 501(c), nonprofit educational entity has been created.

LYNCH, DESIMONE & NYLEN, LLP

ATTORNEYS AT LAW

10 POST OFFICE SQUARE, SUITE 970
BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500
Facsimile: (617) 348-4545
Email: RNylen@ldnllp.com

RECEIVED

JUL 11 2013

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

July 9, 2013

Town of Acton
Planning Department

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

Via Email & 1st Class Mail

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720

Scott Mutch
Building Enforcement Director
Town of Acton
472 Main Street
Acton, MA 01720

Re: Bertolami, Wetherbee Plaza; 107 Great Road; Museum Use

Dear Mr. Bartl and Mr. Mutch:

This office represents Leo Bertolami, Manager of Wetherbee Plaza, LLC, ("LLC") the owner of land and buildings located at 107 Great Road, Acton, Massachusetts (the "Property").

The building at 107 Great Road has had difficulty in sustaining a retail or office use in the past years. It presently consists of three (3) units which are at different stages of vacancy and lease at the present time. The LLC intends to make the three (3) units into a commercial specialty automobile museum for educational purposes. A copy of the draft architectural plan is attached. Mr. Bertolami has described to you his present collection of a variety of classic and specialty automobiles that he will put on display as well as other incidentals such as an old (nonfunctional) gas pump, license plates and other equipment and accessories to his collection.

Mr. Bertolami will include placards that explain the history of each automobile that is displayed in the museum as well as providing literature, magazines and pictures of a variety of models from earlier eras. Mr. Bertolami has automobiles from several different manufacturers and looks forward to offering them for educational display. There will be no outside open air display.

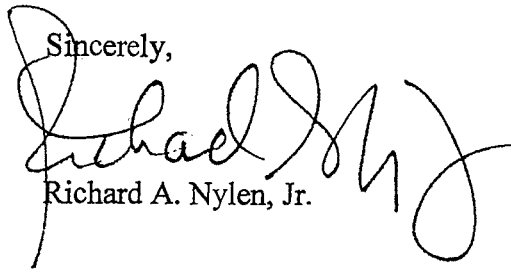
Once the LLC has established the use is consistent with zoning, he will form Northeast Collection, Inc. The Corporation will most likely apply for an internet license if it receives an offer to sell a classic or specialty automobile on-line. As Mr. Bertolami has stated to your offices, his primary intent is to share the automobiles and their history with those who are interested. Our reading of the Acton Zoning Bylaw is that the educational use of the specialty collection is allowed without a special permit. Further, any work that is done on the building will be to accommodate the display of the collection. We are looking for a letter confirming that this use is allowed in the East Acton Village District and whether you need any other information.

July 9, 2013
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We look forward to confirmation that this is an allowed use.

Thank you.

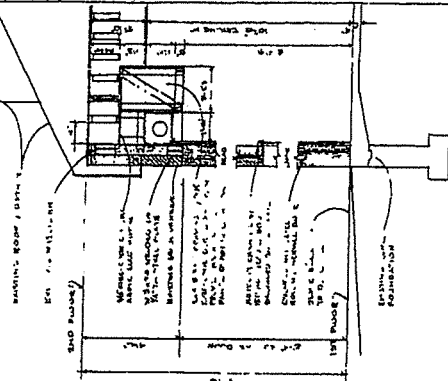
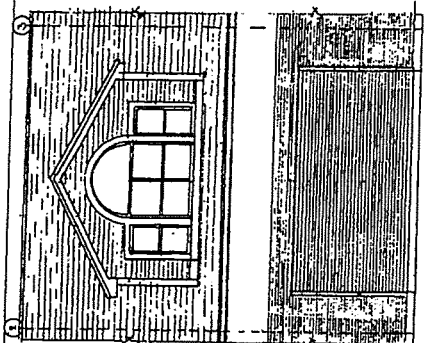
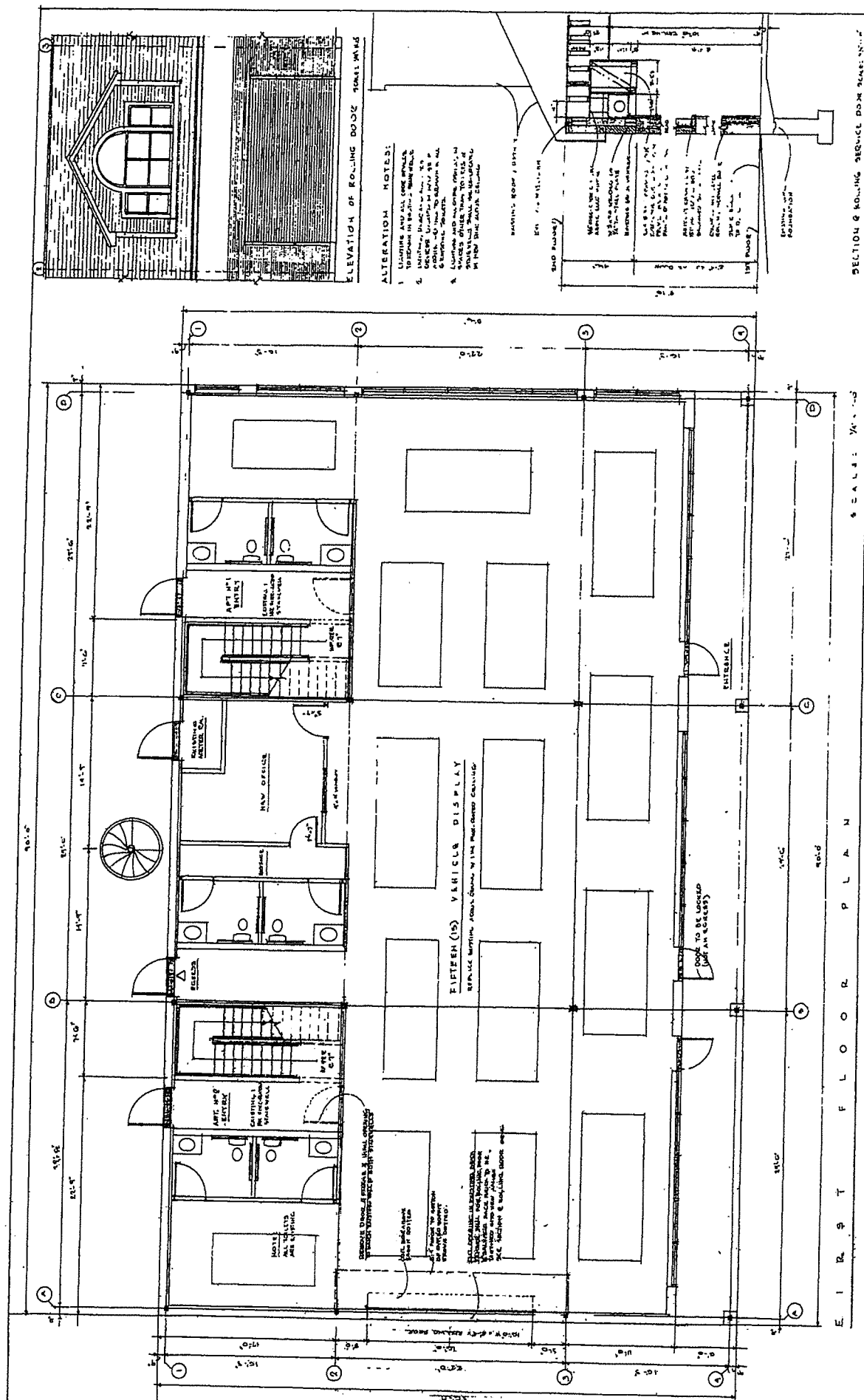
Sincerely,

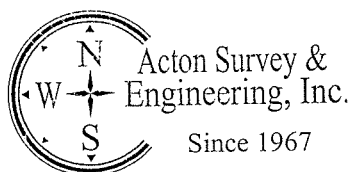
A handwritten signature in black ink, appearing to read "Richard A. Nylen, Jr.", with a large, stylized flourish at the end.

Richard A. Nylen, Jr.

RAN/kad
Enclosure

cc: Wetherbee Plaza, LLC
Mr. Mark Donohoe

[illegible]



PO Box 666, 97 Great Road, Suite 6
Acton, MA 01720
Phone: 978-263-3666 Fax: 978-635-0218
actonsurvey@actonsurvey.com

ASE 5180

August 23, 2013

Board of Selectmen
472 Great Road
Acton, MAS 01720

Re: 107 Great Road

Dear Board Members:

The purpose of this letter is to provide you with information concerning Leo Bertolami's proposed use of the building at 107 Great Road. This building is part of Wetherbee Plaza and is the building between the car wash and the former station master's house.

The building consists of three retail units with a first floor and second floor loft. Our client desires to combine the three lofts into two residential units which will be rented to others on a yearly basis. The residential units will have an entrance separated from the retail units.

Milldam Leasing Co., Inc. is to be moved from its present location at 99 Great Road, also at Wetherbee Plaza, to the retail unit furthest from Great Road or Suite 3. It is our understanding that Milldam provides leases to commercial and municipalities on a long term basis and that all transactions are performed by internet or by phone.

Milldam desires to have the ability to store up to 5 vehicles in Suite 3 for the tenant of Suite 1 and 2 and to create a vehicle entrance on the back of the building. A short [10 foot] ramp will be required due to the building slab being one foot above the ground surface at this location. The number of parking spaces provided for zoning compliance will not be altered and as the area is paved to within 30 inches of the building an additional 25 square feet of impervious surface will be added.

It has been a long term desire and goal of our client to display his collection of classic and unique vehicles and provide for instructions on how to restore, purchase and otherwise equip classic and unique vehicles. He desires to use the front two retail units [Suites 1 and 2] for this purpose. All vehicles will be stored inside as will be other items such as restored or replicas of vintage gasoline pumps, service signs, maintenance manuals, etc. Outside storage of vehicles and equipment of the sort to be contained onsite will decrease their value.

It is our understanding that Commercial Education or Instruction is an allowed Use in the East Acton Village Districts [3.4.11].

The main goal of the facility will be to instruct persons for a fee about the purchase, sale or exchange of vehicles, parts and related memorabilia. Classes and discussions will be held on site along with some sales but it is expected that all exchanges of vehicles will occur using the internet.

The facility is expected to operate by appointment only. To facilitate being available for an appointment is the reason why our client desires to relocate Milldam Leasing to adjacent Suite 3.

Suites 1 and 2 can accommodate 15 vehicles inside and they will be moved in and out of the building through a glass door centered on one of the existing eight foot wide side walks. Limited movement of vehicles is expected and the loss of parking during periods of vehicle movements will not adversely impact the site.

The existing driveways and parking lots at Wetherbee Plaza 1 & 2 are capable of providing the necessary turning movements for trucks delivering vehicles and backing onto Great Road will not occur.

In summary, the building and infrastructure at 107 Great Road are capable of supporting our client's desired uses and the expected limited number of visitors to the site should decrease vehicle trips as compared to other possible retail uses of the site. As 25 square feet of impervious area is required to be added Site Plan Approval is not required.

Very truly yours,



Mark T. Donohoe, PE
for: Acton Survey & Engineering, Inc.

cc: Town Planner
Zoning Enforcement Officer

**Town of Acton
472 Main Street
Acton, MA 01720**

SUPPLEMENTAL APPLICATION to Form 53
LICENSE TO SELL MOTOR VEHICLES ANNUAL FEE \$100.00

Date: 8/20/13

Business Owner: Leo F Bertolani
First Middle Initial Last

Address: 6 Proctor Street, Acton, MA. Telephone #: 978-263-5100
Town/City zip

Name of Business: Northeast Collection, Inc. Attach copy of Business Certificate

Business Location: 107 Great Road, Suite 1 & 2 Telephone # _____

Corporation Name: (If applicable) Northeast Collection, Inc. Attach copy of
Articles of Incorporation

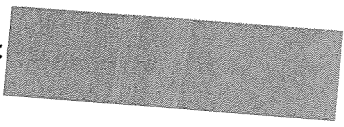
Address: 107 Great Road, Suite 1 & 2 FID # _____
Town/City

Manager Name: Leo F Bertolani
First Middle Initial Last

Address: 6 Proctor Street, Acton, MA. 01720

Town/City zip

Home Telephone: 978-263-5100 Cell Phone: 978-430-4000

Date of Birth: 9/17/49 Social Security number: 
Month Day Year

Please answer the following:

Number of vehicles to be stored at any one time: Fifteen Inside

Purpose (s) of vehicles to be stored: Same

Origin of vehicles to be stored MSO, Titles, Pink Slip, Certificates of Origin

Do you plan to sell by auction in addition to retail? ☐ Yes ☐ No (Auction Internet Only)

Be sure that the following documents are attached:

1. Form 53 - Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles
2. Business certificate (Issued by Town Clerk's Office) or Articles of Incorporation
3. Certificate of Compliance with State Laws, completed and signed
4. Workers' Compensation Insurance Affidavit, completed and signed
5. Plot plan of property to be used for storage of motor vehicles

Applicant signature: Leo Bertolani

Leo Bertolani
Application - Class I & II Car Dealers
Dealer's License
Bin/Licenses

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF ACTON
BUSINESS CERTIFICATE

☒ New
☐ Renewal, old # _____
☐ Change _____
☐ Discontinuance _____

13-121

DATE: August 20 2013

In conformity with the provisions of Massachusetts General Laws c. 110, §5, as amended, the undersign hereby declare(s) that a business under the title of

(BUSINESS NAME) Northeast Collection, Inc.

(BUSINESS ADDRESS STREET ADDRESS) 107 Great Road, Suite A & B

in the Town of Acton by the following person(s):

FULL NAME	RESIDENTIAL ADDRESS	PHONE NUMBER
Leo Bertolani	6 Proctor Street, Acton	978-263-5100

Signed

Leo Bertolani
Leo Bertolani

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX; SS.

Aug 20 2013

Personally appeared before me the above-named _____

Leo Bertolani

and made oath that the foregoing statement is true.

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

Expiration Date: 2017

A TRUE COPY, ATTEST:

Em K. Spawdeh

Em K. Spawdeh
Town Clerk
Title

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Acton

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a.....
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Northeast Collection, Inc.

Business address of concern. No. 107 Great Road, Suite 1 & 2 St.,

City — Town. Corp.

2. Is the above concern an individual, co-partnership, an association or a corporation?

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Leo F. Bertolani, 6 Proctor Street, Acton, MA. 01720

Secretary Jane A. Bertolani, 6 Proctor Street, Acton, MA. 01720

Treasurer Leo F. Bertolani, III, 113 Great Road, Acton, MA. 01720

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? no

Is your principal business the buying and selling of second hand motor vehicles? classic specialty

Is your principal business that of a motor vehicle junk dealer? no

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
Northeast Collection is a exotic, classic specialty car center with
fifteen vehicles inside. No outside vehicle storage.

8. Are you a recognized agent of a motor vehicle manufacturer? no
(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? no
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? yes
(Yes or No)
Acton, Concord, Hudson

If so, in what city — town

Did you receive a license? yes For what year? all
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts
thereof ever been suspended or revoked? no
(Yes or No)

Sign your name in full. Leo Bertolani
(Duly authorized to represent the concern herein mentioned)

Leo Bertolani

Residence. 6 Proctor Street
Acton, MA. 01720

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of
the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____

(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.


Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder, and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the Undersigned acting on behalf of the License Holder, certifies under the penalty of perjury that, to the best of the undersigned knowledge and belief, the License Holder is in Compliance with all laws of the Commonwealth of Massachusetts relating to taxes, Reporting of employees and contractors, and withholding and remitting child support*.

Leo Bertolani

**  or Corporate License Holder (Mandatory)

*** License Holder's Social Security Number/or Federal Identification Number

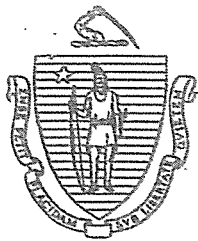
By: Leo Bertolani Date: 8/20/13
Corporate Officer

Leo Bertolani
(Mandatory, if applicable)

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other Agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: Northeast Collection, Inc.

Address: 107 Great Road, Suite 1 & 2

City/State/Zip: Acton, MA. 01720

Phone #: 978-430-4000

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/ or part-time).*
2. ☒ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 8/20/13

Phone #: 978-430-4000

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____ Phone #: _____

9/23 (5) 050

Christine Joyce

From: Dean Charter
Sent: Tuesday, September 17, 2013 10:35 AM
To: Christine Joyce
Subject: FW: Asa Parlin report

Chris,

The link below takes you to the full report, all 275 pages of it. The document you want is the "Conditions Report".

What time is the item on the agenda?

I haven't heard much about this recently.

Thanks

Dean

From: Dean Charter
Sent: Monday, August 05, 2013 10:36 AM
To: Steve Ledoux; Janet Adachi
Subject: Asa Parlin report

Hi Steve & Janet,

The link below takes you to the file we have on the Asa Parlin House, in anticipation of the Board's discussion of the building in September. The Final Report that was done by Menders, Torrey, Spencer is quite exhaustive, as it includes in an appendix the original report from Turk, Tracey, Larry and the information developed for the funding request by the Historical Commission.

Let me know if you need anything else.

Regards,

Dean

From: Andrea Ristine
Sent: Tuesday, July 09, 2013 10:24 AM
To: Dean Charter
Subject: RE: Asa Parlin

Forward or copy the link below, it will take you directly to the "17 Woodbury Lane" folder:
<http://doc.acton-ma.gov/dsweb/View/Collection-4640>

9/23 (4) 040

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

August 9, 2013

Acton Beacon
BY FAX

Atten: LEGAL AD DIVISION

Please place the following ad in the Thursday, September 19, 2013 Legal Section of the Acton Beacon. Please bill the applicant at the address listed below:

Mr. Leo Bertolami
6 Proctor Street
Acton, MA 01720
263-5100

Christine M. Joyce
Town Manager's Office

LEGALS:
PLEASE CONFIRM TO ME @ 978-929-6611

CC: Applicant
Filed: *Class/bin cmj*

TOWN OF ACTON
NOTICE OF HEARING

Notice is hereby given that the Board of Selectmen will hold a public hearing in the Faulkner Room in the Town Hall on Monday, September 23 at 7:25 p.m. on the application of Leo Bertolami, dba Northeast Collection, Inc. for a Class II NON-DISPLAY INTERNET ONLY LICENSE – No display on site at 107 Great Road, Suites 1 & 2, Acton, MA

Acton Board of Selectmen

Christine Joyce

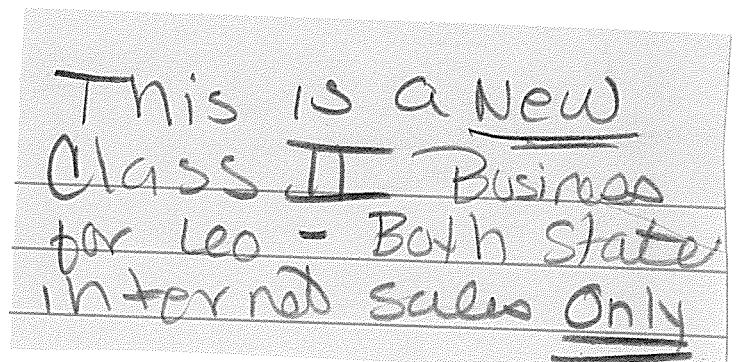
From: Scott Mutch
Sent: Wednesday, September 04, 2013 1:41 PM
To: Christine Joyce
Subject: Class II Internet Car Dealer License for 107 Great Road
Attachments: Scanned from a Xerox multifunction device001.pdf.pdf

Christine,

Please find attached a memo regarding the Class II Internet Car Dealer License application as you requested.

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except for holidays) between the hours of 8:00 am and 5:00 pm. Sincerely,

Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner
Town of Acton
Planning Department
472 Main Street
Acton, MA 01720
Tel: (978) 929-6631
Fax: (978) 929-6340
Email: planning@acton-ma.gov
Website: www.acton-ma.gov



This is a New
Class II Business
for Leo - Both State
Internet sales Only